

DIST/OFFICE	DOCKET		FILING DATE		J	N/S	O	R	R 23	\$	DEMAND OTHER	JUDGE	JURY	DOCKET	
	YR.	NUMBER	MO.	DAY								YEAR	NUMBER	DEM.	YR.
1085/4	76	0630	12	16	76	4	190	1	21	18		8511 8510	D	76	0630-0

PLAINTIFFS

WHEEL HORSE SALES, INC.,
a corporation

DEFENDANTS

JAMES SPENCE, dba East Side
Sales and Service

CAUSE

Contract

ATTORNEYS

Robert E. Manchester
600 Hightower Building
Oklahoma City, Oklahoma 73102
405-235-9371

John P. Kerr, Jr.
226 Beacon Bldg.
Tulsa 74103
584-1451
Paul F. McTighe, Jr.
424 Beacon Bldg.
Tulsa, OK 74103
582-8850

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD	DATE MAILED
JS-5	1-1-77(1-1-78)
JS-6	8-1-77(3-1-80)

DATE	NR.	PROCEEDINGS
12-16-76 1977 1-10	1.	Complaint, filed. Summons issued. rm Summons, ret. & filed: served James Spence by serving his son Jimmy Spence, 11835 E. 38, Tulsa, 12-28-76. (USM \$744)g
2-24	2.	Pltf's affidavit of failure to plead or otherwise defend in support of appl. for entry of default judgment, filed. ph
2-24	3.	Application to the Clerk for entry of default, filed. ph
2-24	4.	Entry of Default by Clerk, filed. ph (JCS-CC) (O to J)
2-24	5.	Motion of def. to file answer out of time, filed. rm (o to j)
2-25	6.	Motion to set aside default judg. w/supporting brief, filed. rm (o to j)
2-28	7.	Order, filed, granting def. to 3/10/77 to plead or ans. (HDC-J) rm-copies md
2-28	8.	Order, filed, approving def. appl. to set aside default judg. (HDC-J) rm-copies md
3-7	9.	Answer, filed, w/Jury Demand. jj
3-7	10.	Request for Jury Trial by Deft., filed. jj
4-18	MO:	Case set for pre-trial hearing 6-3-77 at 4:00 P.M. (HDC-J)jj
4-27	MO:	Ordered, that pursuant to suppl. to pre-trial docket, parties are advised that pre-trial memo must be filed with the ct. no later than 5/27/77. (HDC-J) njb -- notices mld.
5-16	--	Deposition of deft. James Spence, taken on 5-9-77, on behalf of pltf., before Paul M. Potts, C.S.R., at Tulsa, OK, w/ costs of \$73.50, filed. k
6-3	MO:	Pre-trial hearing held. Parties rep. Statements made. PT order, filed in open Ct. Pltf. to prepare order of dismissal. Case will be dismissed for lack of jurisdiction. (HDC-J)ph
6-3	11.	Pre-trial order, filed in open Ct. (HDC-J)ph
6-8	12.	Pltf's motion to reconsider order of 6-3-77 dismissing this action for want of jurisdiction, filed. ph
6-8	13.	Pltf's brief in support of motion to reconsider, filed. ph
6-8	MO:	It is ordered by the Court that the deft. file a resp. brief within 10 days to the pltf's motion to reconsider order of 6-3-77 dismissing this action for want of jurisdiction. (HDC-J)ph ltr mld
6-22	14.	Deft's brief in oppos. of motion to reconsider, filed. ph
7-19	15.	Order, filed, overruling pltf. mo/reconsider. (HDC-J) rm-pltf. phoned and copies md.
7-27	16.	Order, filed and entered, that case is dismissed w/o prejudice. (HDC-J) ph cps mld to Movant
8-4	17.	Notice of appeal by pltf. from Order of 7/27/77, filed. rm-copies md.
8-4	18.	Bond for costs on appeal (\$250 cash), filed. rm
9-9	--	Orig. appeal record (1 vol) transmitted to USCA. rm
9-12	--	Letter from 10th Circuit, assigning No. 77-1718. rm
12-29-77	19	Mandate and Opinion of 10th Circuit, filed and spread of record, that order dismissing action is reversed and cause remanded for further proceedings in accordance with opinion of 10th Circuit. rm
12-29-77	20	Bill of Costs from 10th Circuit, filed and taxed against deft. in amt. of \$65.00 (JCS-Clk) rm
12-29-77	--	Appeal record (1 vol) received from 10th circuit. rm

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT		DOCKET NO. <u>76-C-630-C</u>
WHEEL HORSE SALES, INC.		JAMES SPENCE		PAGE <u>3</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS		
1-3-78	MO:	Case set for PT hrg. 3-7-78/ ^{at 9:00 a.m.;} disc. to be complete by 2-24; PT memo or order to be filed by 2-28. (HDC-J)hm		
1-13	MO:	Case set for JURY TRIAL 6-19-78 at 9:30 a.m.; trial briefs & req. instr. & req. voir dire to be filed by 6-1-78. (HDC-J)hm (notices mailed)		
2-22	MO:	CASE RESET FOR PT HRG. 3-6-78 at 9:00 a.m. (HDC-J)hm		
3-6	MO:	Pre-trial hrg. held. Statements made. Parties agree that case can be submitted on stip. of facts. Sole issue remaining is question of conversion. Stip. to be filed within 2 weeks & deft. to file brief 2 weeks thereafter; pltf. to respond 1 week thereafter. Parties agree on amt. of atty. fees & to include in stip. J/T stricken from 6-19-78. (HDC-J)hm		
3-28	21.	Appl. of deft. for ext of time to file stipulations of fact, filed. ph (O to J)		
3-29	22.	Order, filed, granting parties until 4-3 to file stip. of facts. (HDC-J)hm (cps. to McTighe)		
4-17	23.	Deft's appl. for ext of time to file stip. of facts, filed. ph		
4-17	24.	Order, filed, that parties have until 4-17-78 to file stipulations of facts. (HDC-J)ph cps to deft. counsel		
4-17	25.	Stipulation of facts, filed. ph cps to deft. counsel		
5-24	26.	Deft's appl. for ext of time to file trial brief, filed. ph (O to J)		
5-25	27.	Order, filed, that deft. is granted until 5-24-78 to file trial brief. (HDC-J)ph cps to movant		
5-25	28.	Deft's trial brief, filed. ph		
6-16	29.	Pltf. reply brief (w/leave to file out of time), filed. (HDC-J)rm-copy to pltf. counsel		
9-25	30	Deft's applic/stay after filing petition in bankruptcy, fld.ra (O)		
10-2	31	Order, fld, that action is stayed due to deft's filing of a voluntary petition in bankruptcy. (HDC-J)ra cps to movant		
11-9-79	MO:	CASE TRANSFERRED TO JUDGE JAMES O. ELLISON. (JCS-CLK)jc		
<u>1980</u>				
1-31-80	32	MOTION of deft to dismiss.ra		
1-31	33	BRIEF in support of mot/dismiss.ra		
1-31	MO:	ORDER that pltf file a resp brief on or before 2-13-80 to deft's mot/dismiss. (JOE-J)ra c/m		
2-27-80	34	ORDER DISMISSING ACTION w/prejudice. (JOE-J)b c/m		
9-29	--	DEPOSITIONS returned to pltf.am		
<u>1983</u>				
1-24	35	APPLICATION of pltf for disbursal of bond proceeds. (O to J) bv		

2-19 case settled. Papers to be in 11/11/80

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF

DEFENDANT

DOCKET NO. _____

PAGE ____ OF ____ PAGES

DATE

NR.

PROCEEDINGS

1983
1-28

36

ORDER granting Court Clerk to pay Robert Manchester the sum of
\$250.00 posted by the applicant in these proceedings. (JOE-J)
ck mailed by Court Clerk. bv